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7 IN THE UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

CASE NO. 2:20-CR-00013 WBS

10 Plaintiff,

STIPULATION AND ORDER TO CONTINUE  
JUDGMENT AND SENTENCING HEARING AND  
MODIFY PRESENTENCE SCHEDULE

11 v.

12 MARIO GONZALEZ,

DATE: August 12, 2024

13 Defendant.

TIME: 9:00 a.m.

COURT: Hon. William B. Shubb

15 **STIPULATION**

16 Defendant, Mario Gonzalez, by and through his counsel of record, and plaintiff, by and through  
17 it's counsel of record, hereby stipulate as follows:

18 1. By previous order, this matter was set for judgment and sentencing on August 12, 2024.

19 Mr. Gonzalez filed a motion to dismiss pursuant to *United States v. Duarte*, 101 F.4<sup>th</sup> 657 )9<sup>th</sup> Cir.  
20 2024), setting the motion for hearing on the same date that was previously set for the judgement and  
21 sentencing. The United States moved to hold the motion to dismiss in abeyance for a period of 60 days  
22 or until the Ninth Circuit reached a decision on the government's petition for rehearing en blanc in  
23 *Duarte*. The United States Court of Appeals has scheduled oral argument for the beginning of  
24 December 2024. While the *Duarte* opinion has presently been vacated pending the rehearing en blanc,  
25 Mr. Gonzalez wishes to continue the motion hearing pending the outcome of the en blanc proceedings.  
26 The United States does not object to this requested continuance.

2. Additional time is now necessary before the parties are prepared to proceed to sentencing.

By this stipulation, the parties now move to continue the judgment and sentencing hearing until January 13, 2025.

3. The parties understand that this date is available to the Court for a continued judgment and sentencing hearing.

4. It is therefore requested that the motions hearing, and judgement and sentencing date currently scheduled for August 12, 2024 be continued to January 13, 2025, at 9:00 before this Court.

## IT IS SO STIPULATED.

Dated: August 5, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ *EMILY SAUVAGEAU*

**EMILY SAUVAGEAU**  
Assistant United States Attorney

Dated: August 5, 2024

/s/ TAMARA SOLOMAN

TAMARA SOLOMAN  
Counsel for Defendant  
MARIO GONZALEZ

## ORDER

## IT IS SO FOUND AND ORDERED.

Dated: August 9, 2024.

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**CHIEF UNITED STATES DISTRICT JUDGE**

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